



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

MAR - 8 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Randy MacMillan
Operator
Briggs Creek West
P.O. Box 712
Buhl, Idaho 83316

Re: Briggs Creek West
NPDES Permit Number IDG130054

Dear Mr. MacMillan:

On behalf of the U.S. Environmental Protection Agency (EPA), I would like to express my appreciation for your time and cooperation during the January 20, 2015 Clean Water Act (CWA) inspection of Briggs Creek West ("Facility") which was conducted by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of the inspection and subsequent EPA administrative file review was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the National Pollutant Discharge Eliminations System (NPDES) general permit for *Aquaculture Facilities in Idaho, subject to Wasteload Allocations under Selected Total Maximum Daily Loads*. The purpose of this letter is to notify you of the results of the IDEQ inspection and EPA administrative file review. EPA reviewed your Facility's administrative files from February 2011 through February 2016 and found no violations of the Permit.

On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. Additional information is enclosed (Enclosure A).

JANUARY 2015 INSPECTION

AREAS OF CONCERN

1. Part II.F.2 of the Permit states that throughout all sample collection and analysis activities, the permittee must use the EPA-approved quality assurance and quality control (QA/QC) and chain-of-custody procedures described in Requirements for Quality Assurance Project Plans (EPA/QA/R-5) and Guidance for Quality Assurance Project Plans (EPA/QA/G-5). The QA Plan must be prepared in the format that is specified in these documents.

At the time of the inspection, the inspector noted that the Facility's Quality Assurance Plan (QAP) did not meet the required minimum format for instrument/equipment testing, inspection, and maintenance; instrument/equipment calibration and frequency; inspection/acceptance for supplies and consumables; non-direct measurements; and data management.

2. Part II.F.3.a of the Permit states that at a minimum the QAP must include details on the number of samples, type of sample containers, preservation of samples including temperature requirements, holding times, analytical methods, analytical detection and quantification limits for each parameter, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.

At the time of the inspection, the inspector noted that the QAP did not include specific information for sample shipping methods, and laboratory delivery requirements.

3. Part II.F.3.b of the Permit states that at a minimum the QAP must include a description of flow measuring devices or methods used to measure influent and/or effluent flow at each point, calibration procedures, and calculations used to convert to flow units. If a permittee's facility has multiple effluent discharge points and/or influent points, it must describe its method of compositing samples from all points proportionally to their respective flows.

At the time of the inspection, the inspector noted that the QAP did not include specific details on flow measuring devices for influent and effluents at each point, calibration procedures, and calculations.

4. Part II.F.3.b.1 of the Permit states that a permittee using water from multiple springs as its influent must provide evidence of insignificant variability among its influent sources over the course of a day, if it elects to take grab samples instead of composites from each source when conducting influent sampling.

At the time of the inspection, the inspector was unable to verify that the QAP was providing evidence of insignificant variability between influent sources.

VIOLATION

Part II.F.3.c of the Permit states that at a minimum the QAP must include maps indicating the location of each sampling point, including receiving water sampling locations and justification for the choice of the sampling location.

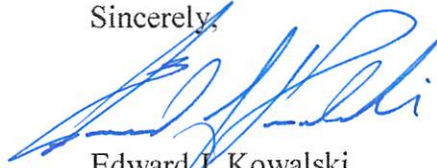
At the time of the inspection, the inspector noted that the map in the QAP did not show the sampling points. This is a violation of Part II.F.3.c of the Permit.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate

statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure B). If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

Enclosures

cc: Mr. Stephen Berry
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Mr. David Anderson
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Mr. Tom Lucas
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